

REMARKS

This is in response to the Office Action mailed April 26, 2004. Claims 1-21, and 39 remain withdrawn. New claims 40-60 have been added to cite additional structure. Claims 22-38, and 40-60 are pending. Support for new claims 40-60 can be found throughout the specification and specifically in paragraphs 0003 and 0011, claims 22, 36-38, and Figures 11-14, and 16A-18 (text used in food safety labeling systems); paragraph 0006, claims 22, 32, 33, and 34, and Figure 5 (face material, adhesive layer, and liner); paragraph 0011 and claim 22 (label having front and back surfaces); paragraph 0033, claims 23-24, and Figures 1, 2, 6, 7, and 11 (circular label with tab portion where the circular portion has an adhesive layer and the tab portion is free of adhesive); paragraph 0034, claims 23 and 25, and Figures 3-4, 8-9, and 12 (rectangular label with tab portion where the circular portion has an adhesive layer and the tab portion is free of adhesive); and paragraph 0035, claims 23 and 26-27, and Figures 10 and 13-18 (rectangular label with bottom portion where the rectangular portion has an adhesive layer and the bottom portion is free of adhesive).

Interview Summary Record

Applicants thank the Examiner for the courtesy shown to Mark T. Skoog in the interview of August 2, 2004. The claims were discussed and proposed amendments were suggested.

Rejections Under 35 U.S.C. § 102(b) and § 103(a)

The Examiner has repeated the rejection of the pending claims under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) as being anticipated or unpatentable over Voy (US Patent No. 4,661,189). Applicant respectfully submits that the claims as previously presented are neither anticipated nor obvious in view of the teachings of Voy.

Voy discloses a method of forming labels in a single continuous process which includes an adhesive application assembly. Applicant would like to restate that in the method disclosed by Voy, the adhesive is applied in such a manner that it does not extend to the edges or outer

periphery of the label. See column 10, lines 19-25; column 12, lines 54-68; column 13, lines 1-17; and figures 2-12, especially figures 9-12. For example, with respect to figure 9, Voy states that the zones of adhesive have peripheries “covering an area recessed from the peripheries of the resulting labels.” See column 12, lines 54-59. With respect to figure 10, Voy teaches that the zones of adhesive “are confined to an area smaller than the peripheries of the labels and recessed there from.” See column 12, lines 61-68. With respect to the labels shown in figure 11, Voy teaches that the zones of adhesive “are recessed from their respected peripheries of the resulting labels.” See column 13, lines 3-8. Finally, with respect to the label shown in figure 12, Voy teaches “that the zones of adhesive are in all cases recessed from the peripheries of the labels.” See column 13, lines 14-17. This is in direct contrast with the labels of the present invention where all of the claims require that the adhesive extends to at least a portion of the label’s edge or periphery. See figures 2 and 4; and claims 22-38 and 40-60. Nothing in Voy teaches or suggests extending the adhesive to the periphery. In fact, the clear teaching of Voy is to avoid extending the adhesive to the periphery. Thus, the present claims cannot be said to be obvious in light of Voy.

New Claims

New claims 40-60 have been added to call out additional structure in the claims. Specifically, independent claims 40, 47, and 54 now include elements directed to (1) the shape of the label, (2) the food safety text included on the label, (3) front and back surfaces, and (4) a tab portion in addition to the process that was previously claimed.

Voy is generally directed to a method of making labels where the adhesive on the label is in discrete zones that do not extend to the edge of the label. Voy does not anticipate or make obvious new claims 40-60. New claims 40-60 also recite adhesive extending to at least a portion of the label’s edge or periphery. Further, new claims call out additional structure that is not found in Voy including text used in food safety labeling systems and a tab portion or bottom portion free of adhesive.

Summary

In view of the above, each of the presently pending claims in this application is believed to be an immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact applicant's primary attorney of record, Andrew D. Sorensen, Reg. No. 33,606 at 651-306-5810.

Respectfully submitted,

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Dated: September 29, 2004

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